REMARKS

The specification has been amended on page 5, lines 9 and 10, to remove a redundancy.

The specification has been objected to under 35 USC § 132(a) "because it introduces new matter into the disclosure." Applicants respectfully submit that this objection cannot be properly sustained. The Examiner has indicated that the definition of "mask body" and the definition of "rigid insert" now present new matter. Applicants have amended the definition of mask body to be the following:

> The parts of a respiratory mask that extends in space relation away from a wearer's face during use and over their nose and mouth to help define an interior gas space that is separate from an exterior gas space.

Support for this definition can be found in the original specification at page 3, lines 29-31 and page 4, lines 8-12. A mask body is also shown in Figures 1-3 and is described in the text at pages 5-9 and 11-13. In particular, page 5, lines 9-10 describes a "mask 10 [that] fits over a wearer's nose and mouth but not over their eyes, and hence is often referred to as a 'half-mask'."

Figures 1-3 also clearly show a respiratory mask that extends in spaced relation away from a wearer's face during use and over their nose and mouth. The original definition of mask body further indicates that the mask body is a structural member that is configured to fit over a person's nose and mouth to help define an interior gas space separate from an exterior gas space. In view of the drawings, the description in the specification, and the language used in the original definitions, applicants fail to see how the present definition of mask body contains new matter.

The definition of rigid insert also does not contain new matter. That definition is reproduced below for ease of reference:

> "Rigid insert" refers to a relatively stiff structural member that has been used on respiratory masks to provide adequate structure for attaching fluid communication components such as filter cartridges and exhalation valves while being joined to a more compliant mask body part that makes contact with and generally conforms to a wearer's face; and

Support for the language used in the definition of rigid insert can be found on page 1 of the specification at lines 17-31 and in the original definition at page 4, lines 19-22. In view of this disclosure in the application as filed, applicants fail to understand how the definition of rigid insert contains new matter. Clarification is requested.

Claims 1-3, 5, 8, 29, and 32 have been rejected under 35 USC § 102(b) as being anticipated by U.S. Patent 4,960,121 to Nelson. Applicants respectfully submit that this rejection cannot be sustained.

Applicants' invention requires a mask body that lacks a rigid insert and that is non-elastomeric. Applicants' mask body also is constructed to deform such that the first and second cheek portions can move towards each other about an axis when the mask body is held stationary and a force is exerted on the nose and chin portions.

In Nelson, the respiratory mask includes a hard shell 12 and a face seal 14. The hard shell is molded from a suitable material such as an ABS plastic (column 2, lines 36-37), and the face seal is noted as being elastomeric (column 2, lines 26-37). Because the combination of the hard shell and the elastomeric face seal in Nelson are the parts that extend in spaced relationship away from a wearer's face during use and over their nose and mouth to help define an interior gas space, both of these parts together meet the above definition of a mask body. Applicants' have stated in their claim that the mask body lacks a rigid insert, which is defined as follows:

> "Rigid insert" refers to a relatively stiff structural member that has been used on respiratory masks to provide adequate structure for attaching fluid communication components such as filter cartridges and exhalation valves while being joined to a more compliant mask body part that makes contact with and generally conforms to a wearer's face; and

It is apparent that Nelson's hard shell 12 meets applicants' definition of a rigid insert. Nelson's mask therefore includes both a rigid insert and an elastomeric member that extends in spaced relationship away from the wearer's face when the mask is being worn. The inclusion of these features is manifestly different from the invention being claimed by applicants'. Further, there is no indication that Nelson's hard shell can be deformed such that the first and second cheek portions of the mask body can move towards each other about an axis when the mask is held stationary and a force is exerted on the nose and chin portions. More particularly, applicants' claim 19 specifies that the mask body of the invention is capable of exhibiting a deflection of at least 5 millimeters when an average force of 5 Newtons is applied to the mask body in accordance with the mask body deflection test. Claim 20 further indicates that the deflection would be at least 10 millimeters when such a force is applied. Nelson does not indicate that its mask body is capable of exhibiting such deflection when such a force is applied.

For the above reasons, applicants believe that the present application is in condition to be allowed. Please further review the outstanding rejections in light of the changes made to the terms that are used in the claims.

Respectfully submitted,

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